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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEQ-01 CIAE-00 SOE-02
COME-00 DODE-00 EB-08 EPA-01 INR-10 IO-13 L-03
NSF-01 NSC-05 NSAE-00 PM-05 ICA-11 OES-09 SS-15
SP-02 DOE-15 INT-05 ACDA-12 HEW-04 HA-05 PA-01
TRSY-02 /148 W
----------066761 271841Z /44
R 261618Z JUL 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 8066
INFO ALL EC CAPITALS

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USEEC

PARIS ALSO FOR USOECD

E.O. 11652: N/A
TAGS: EEC, SENV, ETRD
SUBJECT: TOXIC SUBSTANCES

REF: STATE 170722

1. EC COMMISSION DIRECTOR FOR NORTH AMERICAN AFFAIRS, MEYNELL, CALLED IN DCM JULY 25 TO CALL U.S. ATTENTION TO VARIOUS PROBLEMS WHICH COMMISSION HAS WITH CURRENT STATE OF EPA DRAFT PRE-MANUFACTURING REGULATIONS ON TOXIC SUBSTANCES, WHICH AROSE OUT OF JUNE US-EC MEETING. MEYNELL STRESSED THAT THE COMMISSION CONCERN IS WITH POSSIBLE TRADE CONSEQUENCES THAT COULD ARISE WITH U.S. AND EC PROCEEDING ALONG SEPARATE TRACKS IN DEVELOPING REGULATIONS FOR CONTROL. HE ALSO EMPHASIZED THAT COMMISSION WISHES TO CONTINUE DISCUSSIONS WITH U.S. ON VARIOUS ASPECTS OF OUR PROPOSALS AS WELL AS ON POSSIBILITIES FOR
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AN AGREEMENTLEADING TO COMMONLY ACCEPTED STANDARDS.

2. READING FROM A SPEAKING NOTE, MEYNELL SAID THAT COMMISSION REALIZES THAT EPA RULES ARE STILL IN DRAFTING STAGE AND THEREORE COMMISSION WAS ONLY OFFERING PRELIMINARY COMMENTS AT THIS TIME. HE CITED FOUR AREAS OF PARTICULAR CONCERN RESULTING FROM THIS PRELIMINARY ANALYSIS:

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(A) THE PROBLEM OF CHEMICALS WHICH MAY BE CONTAINED IN IMPORTED MANUFACTURED PRODUCTS (FOR EXAMPLE, PAINT OR CHEMICALLY TREATED CLOTHING). THE COMMISSION BELIEVES THAT TSCA REGULATIONS SHOULD SPECIFY THAT NEW CHEMICALS CONTAINED IN IMPORTED ARTICLES SHOULD NOT BE COVERED. IN MAKING THIS REQUEST, HE NOTED THE COMMISSION'S VIEW THAT THE PROBLEM OF CHEMICALS IN SUCH ARTICLES CAN ONLY ARISE IN THE CASE OF IMPORTED PRODUCTS, AND DEFENDED THIS STATEMENT ON THE GROUNDS THAT U.S. MANUFACTURERS OF SIMILAR PRODUCTS WOULD HAVE HAD A MORE READY OPPORTUNITY THAN THEIR FOREIGN COMPETITORS TO GET THEIR PRODUCTS INCLUDED ON THE U.S. INVENTORY.
(B) AS REGARDS TESTING REQUIREMENTS, MEYNELL NOTED THAT THE EXTENSIVE BASE SET OF TESTS INFLATES COSTS, MAY REDUCE INNOVATION, AND MAY HAVE SEVERE IMPLICATIONS ON THE IMPORTATION OF SPECIALTY CHEMICALS INTO THE U.S. HE SAID THERE WAS A PARTICULAR NEED TO ENSURE THAT RESEARCH AND DEVELOPMENT CHEMICALS HAVE FREE ACCESS IN REASONABLE QUANTITIES TO THE U.S. MARKET. FURTHERMORE, HE SAID THE EC FEARS THAT, IN THE PROCEDURES AND CRITERIA FOR ASSESSING DATA REQUIRED AND IN THE EVALUATION OF THOSE DATA, MORE ONEROUS REQUIREMENTS MAY BE APPLIED ON IMPORTS THAN THOSE WHICH ARE APPLIED TO DOMESTIC MANUFACTURERS. HE SAID THIS FEAR ARISES FROM THE FACT THAT THE BURDEN OF PROOF IS ON THE FOREIGN MANUFACTURER OR IMPORTER TO SHOW THAT THE CHEMICAL IS, IN FACT, SAFE.
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(C) MUTUAL RECOGNITION OF EXISTING TEST DATA WAS IMPORTANT TO THE EC. HE ARGUED THAT VALIDATION OF DATA MUST NOT BE REJECTED SOLELY ON THE GROUNDS OF DIFFERING METHODOLOGY. AS AN EXAMPLE, HE CITED THE POSSIBLE CASE IN WHICH ONE TESTING LABORATORY MIGHT USE RATS FOR TESTS WHILE ANOTHER LABORATORY MIGHT USE RABBITS. HE SAID THE EC WOULD BE ANXIOUS TO REACH AGREEMENT WITH THE U.S. TO ENSURE THAT SYSTEMS FOR VALIDATING DATA ARE MUTUALLY ACCEPTABLE.
(D) FINALLY, HE NOTED THE PROBLEM OF ENSURING CONFIDENTIALITY OF COMMERCIALLY SENSITIVE INFORMATION THAT WOULD BE PROVIDED TO EPA UNDER THE PROVISIONS OF THE TSCA. HE SAID COMMISSION REPRESENTATIVES AT THE JUNE MEETING DID NOT FEEL THAT THEIR CONCERNS ON THIS POINT HAD BEEN ACCEPTED BY EPA.
3. MEYNELL SAID THAT HE WAS BRINGING THESE CONCERNS TO OUR ATTENTION AT THIS TIME MAINLY TO PUT THEM ON RECORD WHILE EPA REGULATIONS WERE STILL IN THE DRAFTING STAGE. HE UNDERSTOOD THAT ANOTHER MEETING BETWEEN COMMISSION AND U.S. REPRESENTATIVES WOULD OCCUR IN SEPTEMBER, AFTER THE REGULATIONS HAD BEEN DRAFTED, AND THAT THIS WOULD AFFORD ANOTHER OPPORTUNITY TO COVER THE GROUND. HOWEVER, THE COMMISSION HOPED THAT U.S. WOULD TAKE THESE CONCERNS

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INTO ACCOUNT IN THE REGULATIONS DRAFTING PROCESS, EVEN
BEFORE THE NEXT MEETING OCCURS. HINTON

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
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Draft Date: 26 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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